

Message Text

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ACTION AF-10

INFO OCT-01 EUR-12 IO-13 ISO-00 CIAE-00 DODE-00 PM-05

H-01 INR-07 L-03 NSAE-00 PA-01 PRS-01 SP-02

SS-15 DHA-05 TRSE-00 SSO-00 INRE-00 NSCE-00

USIE-00 /076 W

-----078182 131707Z /47

O 131545Z SEP 77

FM AMEMBASSY KINSHASA

TO SECSTATE WASHDC IMMEDIATE 5770

INFO AMCONSUL LUBUMBASHI PRIORITY

AMEMBASSY BRUSSELS IMMEDIATE

AMEMBASSY LONDON PRIORITY

AMEMBASSY PARIS PRIORITY

AMEMBASSY LUSAKA PRIORITY

AMEMBASSY BUJUMBURA PRIORITY

AMEMBASSY KIGALI PRIORITY

AMEMBASSY PRETORIA IMMEDIATE

USMISSION USUN NY PRIORITY

USIA WASHDC PRIORITY

C O N F I D E N T I A L KINSHASA 8787

PRETORIA FOR AMBASSADOR CUTLER

USIA FOR IAA

E.O. 11652: GDS

TAGS: PGOV, PINS, CG, US

SUBJECT: THE NGUZA TRIAL

REF: A. KINSHASA 8673 B. KINSHASA 8589 (NOTAL)

1. BEGIN SUMMARY: FORMER FOREIGN MINISTER NGUZA WAS FOUND GUILTY SEPTEMBER 13 OF ALL THREE CHARGES AGAINST HIM. IN HANDING DOWN ITS JUDGMENT, THE SECURITY COURT SENTENCED NGUZA TO DEATH FOR FAILURE TO REPORT INVADERS AND FOR TREASON (AND TO TWO YEARS IMPRISONMENT FOR CONFIDENTIAL

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OFFENSE AGAINST THE CHIEF OF STATE). NGUZA HAS THE RIGHT TO APPEAL TO THE SUPREME COURT AND/OR TO ASK PRESIDENT MOBUTU FOR CLEMENCY. IT STILL IS CONSIDERED LIKELY THAT THE PRESIDENT WILL COMMUTE THE DEATH PENALTY TO IMPRISONMENT. END SUMMARY

2. AS ANTICIPATED REFTTEL B, THERE HAS BEEN NO APPARENT EFFORT TO IMPLICATE THE US OR OTHER WESTERN POWERS IN THE NGUZA AFFAIR.

NONE OF THE SCANTY LOCAL RADIO, PRESS, AND TELEVISION COVERAGE MADE ANY ALLEGATIONS ABOUT SUCH FOREIGN INVOLVEMENT. THE LONG COURT JUDGMENT, WHICH WAS BROADCAST LIVE OVER RADIO, AND REBROADCAST DURING THE REGULAR 1 P.M. NEWS SUMMARY SEPTEMBER 13, REFERRED ONLY TO SOVIET AND CUBAN INVOLVEMENT IN THE INVASION OF SHABA.

3. MEDIA TREATMENT FOR AN AFFAIR OF THIS IMPORTANCE HAS BEEN CURIOUSLY UNEVEN; NORMALLY RADIO, PRESS, AND TELEVISION ACCENT THE SAME EVENTS AND PRESENT IT FROM THE SAME GOVERNMENT VIEWPOINT. AS NOTED REFTEL A, THE 20 MINUTE LIVE TELEVISION BROADCAST OF THE TRIAL LEFT THE VIEWER WITH A FAVORABLE IMPRESSION OF NGUZA. THE ACCOUNT IN THE REGULAR SUNDAY EDITION OF THE NEWSPAPER ELIMA WAS REMARKABLY UNBIASED.

4. NEWSPAPERS APPEARING MONDAY, SEPTEMBER 12, CARRIED NO ACCOUNT OF THE TRIAL EXCEPT TO SAY THAT IT HAD TAKEN PLACE AND TO ANTICIPATE SEPTEMBER 13 PRONOUNCEMENT OF A VERDICT. THE AZAP (ZAIRIAN PRESS AGENCY) BULLETIN OF THAT DATE DID CARRY A STORY ON THE TRIAL WHICH WAS LARGELY NEUTRAL IN TONE. AZAP, HOWEVER, IS NOT GENERALLY CIRCULATED AMONG THE POPULACE AS A WHOLE. RADIO COVERAGE WAS SPARSE, BUT A LONG EXCERPT FROM THE TRIAL WAS SHOWN NIGHT OF SEPTEMBER 11 ON TELEVISION. VERY LITTLE ADDITIONAL TREATMENT, WHETHER PRESS, RADIO OR TELEVISION, TOOK PLACE UNTIL SEPTEMBER 13, THE DAY OF THE JUDGMENT. ELIMA FOR THAT DATE CARRIED AN EDITORIAL WHICH TOOK JUSTIFIABLE PRIDE IN THE LACK OF PASSION WITH WHICH THE ZAIRIAN PRESS HAD TREATED THE TRIAL. SIGNIFICANTLY ENOUGH, HOWEVER, THE CONFIDENTIAL

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EDITORIAL CAME TO A CLOSE WITH THE STATEMENT THAT "NGUZA KARL I BOND REMAINS, DISPUTE THE MATERIAL FACTS IRREFUTABLY ESTABLISHED AGAINST HIM, BKT ONLY BKT AN ACCUSED."

4. THE AZAP PRESS BULLETIN OF SEPTEMBER 13 INDICATED THAT THE BELGIAN LAWYER VARIOUSLY DESCRIBED AS JULES WOLFE OR WOLF, WHO ATTEMPTED UNSUCCESSFULLY TO ENTER ZAIRE IN ORDER TO HELP CONDUCT NGUZA'S DEFENSE (REF A), HAS PROTESTED LOUDLY TO THE EUROPEAN PRESS ABOUT HIS TREATMENT BY THE GOZ. IN ITS RESPONSE, AZAP CLAIMED THAT WOLF HAD ATTEMPTED TO ENTER THE COUNTRY ILLEGALLY AND HAD NOT DEMONSTRATED THAT NGUZA HAD HIRED HIM: "THE STATE CANNOT IN ANY WAY FORCE UNWANTED COUNSEL ON NGUZA." FOLLOWING THIS, THE FOREIGN MINISTER RELEASED THE TEXT OF A NOTE OF PROTEST WHICH IT HAD SENT TO THE GOB. THE TONE OF THE PROTEST IS SET IN THE OPENING PARAGRAPH WHICH PROCLAIMS "THE REPUBLIC OF ZAIRE CEASED TO BE A COLONY OF THE BELGIAN CROWN 17 YEARS AGO."

5. COMMENT: VIRTUALLY NO ONE HERE WAS SURPRISED BY THE RESULTS OF THE TRIAL. YET THE FACT REMAINS THAT A PUBLIC TRIAL TOOK PLACE, A TRIAL WHICH WAS NOT TURNED INTO A ROMAN CARNIVAL. IN THAT TRIAL NGUZA WAS GIVEN THE OPPORTUNITY OF DEFENDING HIMSELF, AND OPPORTUNITY WHICH HE TOOK WITH VIGOR. EVEN THE NORMALLY DOCILE LOCAL MEDIA

CONVEYED AN IMAGE OF THE PROCEEDINGS THAT LEFT ONE WONDERING AT
A VERDICT THAT FOUND ALL OF THE PROSECUTION'S CHARGES AGAINST NGUZA
TO HAVE BEEN PROVED WITH NO MITIGATING CIRCUMSTANCES. WITH POSSIBLE
EXCEPTION OF BRUSQUE HANDLING OF ATTORNEY WOLF'S EFFORTS TO PARTICI-
PATE IN DEFENSE OF NGUZA, MOBUTU'S PERFORMANCE IN BALANCING DOMESTIC
AND FOREIGN CONCERNS HAS FOLLOWED SCENARIO ANTICIPATED IN REF B.
EMBASSY CONTINUES TO SUBSCRIBE TO WIDESPREAD BELIEF HERE THAT NGUZA'S
DEATH SENTENCE WILL BE COMMUTED TO IMPRISONMENT.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TREASON, CRIMES, TRIALS, COURT DECISIONS
Control Number: n/a
Copy: SINGLE
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Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977KINSHA08787
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770331-0988
Format: TEL
From: KINSHASA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770971/aaaachlh.tel
Line Count: 124
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
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Office: ACTION AF
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 KINSHASA 8673
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 10-Feb-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1298100
Secure: OPEN
Status: NATIVE
Subject: THE NGUZA TRIAL
TAGS: PGOV, PINS, CG, US, (NGUZA KARL-I-BOND)
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/a6450548-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009